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In re Application of :
RAMIREZ, Rivilo Arturo :
U.S. Application No.: 10/510,670 : DECISION ON
PCT No.: PCT/BR03/00064 :
Int'l Filing Date: 15 May 2003 : PETITION
Priority Date: 17 May 2002 :
Attorney's Docket No.: 04306/0201983-US0 : UNDER 37 CFR 1.181
For: CENTRIFUGATION INJECTION :
MOLD :
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Applicants filed "Request For Reconsideration," on 05 October 2006, requesting that the Office change the 35 U.S.C. 371(c) date to 17 December 2004. The Request has been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 15 May 2003, applicants filed international application no. 10/510,670, claiming a priority date of 17 May 2002. A copy of the international application was transmitted to the Office by the International Bureau on 27 November 2003. The deadline for payment of the basic national fee in the United States was 17 November 2004.

On 06 October 2004, applicants filed a transmittal letter for entry into the national phase in the United States accompanied by the basic national fee.

On 15 April 2005, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 29 April 2005, applicants submitted a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and a postcard receipt for 17 December 2004.

On 03 October 2005, the Office mailed Notification of Acceptance (Form PCT/DO/EO/903) indicating that the application had a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 29 April 2005.

On 18 October 2005, 28 April 2006 and 23 August 2006, applicants submitted requests for corrected filing receipts asking that the 35 U.S.C. 371(c)(1),(c)(2) and (c)(4) date be changed to 17 December 2005.

On 20 September 2006, the Office mailed Decision On Petition Under 37 CFR 1.181 indicating that according to Office records the declaration completing the 35 U.S.C. 371(c)(1),(c)(2) and (c)(4) requirements was received on 29 April 2005.

On 05 October 2006, applicants submitted this renewed petition with a copy of the 17 December 2004 postcard receipt and explaining that the declaration was submitted on 17 December 2004, originally.

DISCUSSION

The declaration that applicants claim to have submitted on 17 December 2004, is not present in the application. A petition to accept a copy of a what applicant claims was earlier submitted must be accompanied by a copy of the submission and proof of the earlier submission.

Applicants have provided a declaration, state that the declaration is a copy of the 17 December 2004 submission and have provided a postcard receipt date-stamped by the Office and listing the declaration. The copy of the declaration is accepted as having been received on 17 December 2004.

CONCLUSION

For the reasons discussed above, applicants' petition under 37 CFR 1.181 for a corrected Notice of Acceptance is GRANTED.

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 15 April 2005 is VACATED.

The Notice of Acceptance (Form PCT/DO/EO/903) mailed 03 October 2005 is VACATED.

This application is referred to the National Stage Processing Branch of the Division of PCT Operations for further action consistent with this decision, including mailing of a corrected Notice of Acceptance indicating that the application has a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 17 December 2004 and filing receipt.



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